

AKAMATSU -- 10/674,424
Attorney Docket: 008312-0306166

IN THE DRAWING(S):

Please amend Figure 5 as shown in the attached replacement sheet of such figure.

REMARKS

Claims 1, 2, 4, 6, 7, 9, 12 and 13 are pending. By this Amendment, claims 3, 5, 8, 10, 11, 14 and 15 are canceled without prejudice or disclaimer and claims 1, 6, 7 and 12 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Figure 5 has been amended to correct the typographical error in block S9.

Claims 1-15 were rejected under 35 U.S.C. § 103(a) over Itakura (U.S. Patent 6,986,093) in view of Yang et al. (U.S. Patent 6,389,571). The rejection is respectfully traversed.

MPEP § 2143 states: "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

Each of claims 1, 6 and 12 recites that when the burst noise is detected, a calculation term for calculating a channel value is erased from the likelihood calculation. See, for example, page 14, line 22 through page 5, line 4.

Nither Itakura nor Yang et al. disclose or suggest the feature recited in claims 1, 6 and 12 and discussed above. Accordingly, the combination of Itakura and Yang et al. does not include all the claim limitations and does not present a *prima facie* case of obviousness.

Claims 2, 4, 7, 9 and 13 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 1, 6 and 12, respectively, and for the additional features recited therein.

Reconsideration and withdrawal of the rejection over Itakura in view of Yang et al. are respectfully requested.

In view of the above amendments and remarks, it is respectfully submitted that all of the claims are allowable and the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Attachment: Replacement Sheet (Figure 5)